IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.2125 OF 2007
IN
WRIT PETITION NO. 6022 OF 2002

Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. N.V. Bandiwadekar for the Applicant.
Mr. R.S. Apte with Ms. Saloni Desai for the Respondent.
Mr. S.K. Chinchlikar, AGP for the State.

CORAM : MRS.NISHITA MHATRE,J.
DATE : 11TH OCTOBER 2007

P.C. :

. The Petition has been filed against the order of the School Tribunal granting re-instatement and continuity in service with backwages to Respondent No.1 in the Petition.

2. The present Civil Application has been taken out by Respondent No.1 in the Writ Petition filed by the aggrieved Respondent in the

Appeal before the School Tribunal. In this Civil Application the Applicant has stated that pursuant to the directions of the Tribunal, the Management has re-instated him in service. However, he has not been paid his salary for the last four years. The Deputy Director of Education has not advanced the salary grant on the ground that the present petition is pending hearing.

3. In my opinion, this cannot be a reason for not giving the grant or for not paying the salary of the Applicant. The primary responsibility for payment of salary is that of the Management. Therefore, the salary must be paid especially since there is no stay granted to the order of the School Tribunal.

4. In these circumstances, the Civil application is allowed. The Respondent - Junior College shall pay the salary of the Applicant whether or not the grant is given by the Government to the Institution.

5. The Civil Application is disposed of.

(MRS. NISHITA MHATRE,J.)